

Consolidated Grant Topic Group Meeting Discussion Cincinnati TEC Meeting, July 17, 2001

Participating Topic Group Members:

Wynona Boyer, Shoshone-Bannock Tribes; Martha Crosland, DOE/EM; Lisa Gover and Patrice Kent, National Tribal Environmental Council (NTEC); Don Greene, State of Arkansas/SSEB; Kent Hancock, DOE/HQ Office of Transportation; Robert Holden, National Congress of American Indians (NCAI); Judith Holm, DOE/NTP Albuquerque Corinne Macaluso, DOE/ OCRWM; Tracy Mustin, DOE/HQ Office of Transportation; Frank Moussa, State of Kansas, CSG/MW; Ken Niles, State of Oregon, WGA; Ellen Ott, DOE/Office of General Counsel; Tammy Ottmer, State of Colorado/WGA; Phillip Paul, CSG/ERC; Carol Peabody, DOE/HQ Office of Transportation; Max Power, State of Washington, STGWG; Ron Ross, WGA; Tim Runyon, State of Illinois, CSG/MW; Lisa Sattler, CSG/MW; Thor Strong, State of Michigan, CSG/ERC; Elgan Usrey, State of Tennessee/SSEB; Chris Wells, SSEB.

Research staff support: Judith Bradbury, PNNL; Wilda Portner and Alex Thrower, SAIC; Ed Liebow, Environmental Health & Social Policy Center.

Topics Discussed:

1. Review of Comments on Planning and Coordination

Judith Holm provided handouts on responses she had received to date on questions that HQ had posed concerning State needs and asked State participants to send in additional information to her. She noted that she would be discussing Tribal needs with the Tribes in a workshop currently being planned for the fall. Two questions were recorded on the flip chart:

- What costs do States incur as a result of DOE shipments that are above and beyond the normal activities States conduct as part of their responsibilities for public health and safety?
- If DOE were to fund the consolidated grant program, how would States spend the money and what would be the result?

Some States observed that, because of the nature of the shipper, States need additional funding to provide information to local officials. They also emphasized that they do not receive enough funding from other Federal agencies' hazardous waste programs to cover all of their training needs and that it is critical for emergency responders to be able to say to the public that they are prepared to deal with any emergency involving transportation of nuclear materials.

2. State Regional Group Meetings and Tribal Meetings

Judith Holm provided handouts summarizing key issues concerning the proposed consolidated grant that were raised at the series of State regional group meetings held in the spring and at the National Indian Nuclear Waste Policy Committee meeting in June (these comments are also included in Appendix A to the *Revised Draft Framework*, June 30, 2001, Rev. 3).

3. Review of Changes to the Framework Document

Judith summarized three key changes that DOE is proposing to the proposed consolidated grant (see Section 2.0 of the Revised Draft Framework document):

- Proposed eligibility level has been changed to one, rather than ten shipments
- Base component has been eliminated; only impact and discretionary components will be included
- A limited “pilot” program, excluding WIPP, is proposed.

Judith explained that DOE was proposing to reverse its previous decision on eligibility level, based on comments from many State and Tribes who were concerned that the grant be consistent with OCRWM’s proposed 180(c) policy (which would provide funding to any Tribe or State experiencing a shipment). Moving away from a three-component to a two-component grant would, at the same time, allow DOE to address equity concerns and provide assistance where impact is greatest, within the constraints of the current budget situation. The more limited approach, which would exclude WIPP, was proposed in response to concerns that WIPP funding be maintained. The pilot would allow DOE to address the greatest funding inequities and test features of the proposed grant. She emphasized that these are proposals, not decisions. NTP still needs to brief senior management regarding the approach being proposed.

4. Issues Raised Concerning Proposed Changes to the Framework Document

Proposed Eligibility Level

Participants were generally supportive of the proposed eligibility level of one shipment. Comments included:

- A concern was expressed that one LLW shipment should not be equated with one HLW shipment. One participant recommended that the eligibility should be established as one spent fuel or high-level waste shipment OR ten shipments of any other kind of radioactive material.
- A western participant noted that the issue of consistency with the OCRWM program would be moot if DOE adopted the WGA proposal, which was submitted to DOE at the spring meeting of the WGA. A participant from the Northeast rejoined that the WGA proposal did not account for population, which is a key issue for his region.

Elimination of Base Component

Some mid-western participants commented that their previous recommendation to eliminate the base component may need to be revisited, due to the heightened visibility of nuclear waste transportation. The “Mobile Chernobyl” campaign, the forthcoming debate over repository selection, and Energy Policy emphasis on nuclear power are requiring States to take a more proactive role in addressing public perception issues and providing public information. States may therefore need a larger base component to cover these types of costs, which are incurred even for few shipments.

Proposed Pilot Program

The major issue of discussion was the proposed pilot program. Many comments and issues were raised in response to the proposed, more limited approach:

- A key concern expressed by many participants was that the proposal defeats the original intent of a consolidated grant to provide both equity and flexibility in use of DOE funds, both for recipients and for DOE. Some noted that the primary reason for the program has been lost since it would provide neither equity nor flexibility. One western State participant complained that the group is now back to square one and that members had wasted their time for the past 24 months.
- One participant pointed out that it was the States who had been the initial driving force for consideration of a consolidated grant, with the goal of providing for equity. The proposed pilot, in his view, would not be equitable.
- Some participants emphasized that the original proposal had been to provide funding from all DOE programs. A limited program would not be successful because WIPP States that are not included in the pilot would not have the flexibility to use WIPP funds on routes used by other DOE shipments. A southern participant reported that he has 900 miles of “uncovered” routes in his State (i.e., routes used by non-WIPP DOE shipments for which he could not use WIPP funding).
- Others commented that the term “pilot” is a misnomer and that the new proposal should be called a “mini-pilot.” A true pilot should include all types of shipments and programs to test the program, whereas the proposed pilot would include only half of the States.
- A southern participant commented that the key issue concerning the grant is total funding and that no one will be happy until the grant is sufficiently funded.
- One participant recommended that DOE consider some key questions before trying to implement a pilot or mini-program. These questions include: What is the pilot trying to test out—Equity? Flexibility? Something else?
- A mid-western participant suggested that DOE consider trying out a true pilot, perhaps selecting two or three States per region and implementing a program that consolidates all of the DOE funding streams and programs, including WIPP. One western participant, who volunteered his State for inclusion if such a pilot were developed, offered to give back a portion of WIPP dollars in exchange for flexibility and a comparable amount from the pilot program.

- A western participant noted that meeting participants were expressing frustration because of the delay in making a decision and moving forward.

5. Additional Issues Concerning the Grant

- A Tribal participant expressed concern that Section 2.3.1.4 did not provide assurance that the funding agreements that the Shoshone-Bannock had negotiated with DOE programs would be honored. She emphasized that Tribes varied with respect to their needs and in what they have achieved, and that they should not be grouped together. In addition, Federal agencies have a trust relationship with the Tribes and are required to negotiate with each Tribe individually.
- The Tribal participant also commented that her Tribe had four routes coming through her reservation and that a formula based on impact would not meet their needs
- A western participant complained that there was no mechanism in place to influence DOE's choice of options except through her Congressional delegation.
- The western participant also expressed concern that the some key issues need to be addressed before attempting a pilot—e.g., the role of OCRWM, types of waste streams, specific routes to be used.
- One participant recommended that the routes used by a carrier be identified up front if the formula is based on impact. This may involve limiting routes used by carriers.
- One participant commented that States will be encouraged to adopt fees so that DOE will have to pay one way or another. A participant from Iowa (where a new fee system is to be implemented) noted that his State's fee system will provide the ability to negotiate with DOE on an offset amount if a consolidated grant is implemented.

Next Steps:

The group recommended that:

- DOE articulate the purpose of the pilot program: is it to address equity or to provide funding for States not on WIPP corridors?
- DOE conduct a genuine pilot: seek a limited number of States and Tribes from each region to test a program that includes all DOE funding, including WIPP.
- A writing group be established to develop objectives and pilot program requirements.
- Evaluation be built into the design of the pilot program for assessing its effectiveness.

Attachment:

Agenda.

AGENDA

TEC Transportation Topic Group Cincinnati, July 17, 2001

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| 1. | Topic Group Introductions, Status | Judith Holm |
| 2. | Review of Comments on Planning
And Coordination | All |
| 3. | Summary of State and Tribal meetings
Representatives, NCAI, and Judith. Holm | Regional Groups |
| 4. | Review of Changes to Framework | All |
| 5. | Discussion, listing of issues | All |
| 6. | Potential Evaluation Criteria for Pilot Grant
Program | All |